

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Request for Review of the Decision of the)	
Universal Service Administrator by)	
)	
Ventnor Educational Community Complex)	File Nos. SLD- 311430 and 312188
Ventnor City, New Jersey)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Changes to the Board of Directors of the)	CC Docket No. 97-21
National Exchange Carrier Association, Inc.)	

ORDER

Adopted: March 21, 2003**Released: March 24, 2003**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1. Ventnor Educational Community Complex (Ventnor), Ventnor City, New Jersey, seeks review of two March 29, 2002 decisions by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator).¹ For a review of decisions by SLD issued on or after August 13, 2001, appeals to the Commission must be filed within 60 days of the issuance of the SLD decision date.² Here, Ventnor filed its appeal on January 30, 2003, after the 60-day period, in contravention of our rules. We therefore dismiss the appeal.

2. To the extent that Ventnor additionally asks us to waive our rules in this instance, we must deny its request.³ Ventnor states that it did not file an appeal because on April 15, 2002 it was told by SLD staff that its application was certified and all paperwork was in order. Ventnor further states that it relied on incorrect information.⁴ Waiver is appropriate only if special

¹ Letter from Jann Cohen, Ventnor Educational Community Complex, to Federal Communications Commission, filed January 30, 2003 (Request for Review); Postcards from the School and Libraries Division, Universal Service Administrative Company, to Penny Margolis, Ventnor Educational Community Complex, dated March 29, 2002; 47 C.F.R. § 54.719(c).

² 47 C.F.R. § 54.720(b). *See Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Order, 17 FCC Rcd 339 (Com. Car. Bur. rel. Dec. 26, 2001), as corrected by *Implementation of Interim Filing Procedures for Filings of Requests for Review, Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Errata (Com. Car. Bur. rel. Dec. 28, 2001 and Jan. 4, 2002).

³ 47 C.F.R. § 54.720(b).

⁴ Request for Review.

circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the rule.⁵ Given the thousands of applications SLD processes each year, it is administratively necessary to place the burden of meeting deadlines on the applicants.⁶ We decline to grant relief on the basis of incorrect advice from SLD.

Commission precedent establishes that where a party has received erroneous advice, the government is not estopped from enforcing its rules in a manner that is inconsistent with the advice provided by the employee, particularly where relief is contrary to a rule.⁷

3. ACCORDINGLY, IT IS ORDERED, pursuant to authority delegated under sections 0.91, 0.291, 1.3, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.3, and 54.722(a), that the Request for Review filed by Ventnor Educational Community Complex, Ventnor City, New Jersey on January 30, 2003, IS DISMISSED and the request to waive the 60-day time limit in which to file an appeal IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION

Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

⁵ 47 C.F.R. § 1.3; *see Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164, 1166 (D.C. Cir. 1990).

⁶ *See Request for Review by Anderson School Staatsburg, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-133664, CC Docket Nos. 96-45 and 97-21, Order, 15 FCC Rcd 25610 (Com. Car. Bur. rel. Nov. 24, 2000), para. 8.

⁷ *In re Mary Ann Salvatiello*, Memorandum Opinion and Order, 6 FCC Rcd 4705, 4707-8, para.22 (1991) (citing *Office of Personnel Management v. Richmond*, 497 U.S. 1046 (1990)). We further note that SLD contact logs do not reflect an April 15, 2002 conversation between SLD and Ventnor. *See* SLD Summary of Notes Log.